

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

RALPH L. HAYES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 6:13CV00008
)	
LYNCHBURG CITY SCHOOL BOARD)	
)	
Defendant.)	
_____)	

MOTION TO WITHDRAW AS COUNSEL

COMES NOW John B. Simpson of the law firm of MartinWren, PC, counsel for Plaintiff (hereinafter "Movant") RALPH L. HAYES (hereinafter "Plaintiff") and hereby moves this Honorable Court for an order granting permission to withdraw as counsel for Plaintiff. The reasons for withdrawal are as follows:

1. Movant and Plaintiff cannot effectively communicate or agree on case strategy to the extent that Movant is unable to provide competent representation in accordance with his ethical responsibilities.
2. Plaintiff and Movant entered into a written legal representation agreement which established that Plaintiff would have certain obligations to Movant regarding Movant's services and Plaintiff has failed or refused to comply with such obligations.
3. Plaintiff's written legal representation agreement with Movant provides that if he failed to comply with his obligations as stated therein he would agree to allow Movant to withdraw as his counsel of record in this matter. Although requested to consent to Movant's withdrawal, Plaintiff refuses to consent to Movant's withdrawal.

4. The pending settings and deadlines in this case are:
 - a) This case is set for trial on March 4, 2014.
 - b) The discovery deadline is December 4, 2013.
 - c) The deadline to file dispositive motions is December 19, 2013, and the deadline to hear such motions is January 21, 2014.

5. Plaintiff's current address and phone number are as follows: 1107 Ashburn Drive, Forest, Virginia, 24551; 434-525-9160.

WHEREFORE, Movant respectfully requests that the Court enter an Order allowing Movant to withdraw as counsel of record for Plaintiff in the above-styled cause.

Respectfully submitted,

MartinWren, PC



JOHN B. SIMPSON (VSB #38759)
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF that will send a true and correct copy of the foregoing to the following counsel of record:

John C. Johnson, Esq.
Frith Anderson & Peake
P.O. Box 1240
Roanoke, VA 24006-1240

Counsel for Defendant

I hereby certify that on the 25th day of September, 2013, I sent a true and correct copy of the foregoing by mail, postage prepaid, to the following:

Ralph L. Hayes
1107 Ashburn Drive
Forest, Virginia, 24551

Plaintiff



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